

AMENDED IN SENATE MAY 3, 2006

SENATE BILL

No. 1557

Introduced by Senator Ducheny

February 23, 2006

An act to add Part 8.2 (commencing with Section 32600) to Division 12 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1557, as amended, Ducheny. Coachella Valley Water District: nonpotable water use.

(1) Existing law prohibits a person or public agency from using water from a source that is suitable for potable domestic use for nonpotable uses if suitable recycled water is available, as determined by the State Water Resources Control Board, after notice to any person or entity who may be ordered to use recycled water or to cease using potable water and a prescribed hearing is held. Existing law, the County Water District Law, governs the operations of the Coachella Valley Water District.

This bill would prohibit a person or local public agency from using, within the district's service area, water from any source that is suitable for potable domestic use for nonpotable uses if the board of directors of the district determines, after notice and an opportunity for hearing, that suitable nonpotable water is available, as specified.

The bill would specify that these provisions only apply to a use of water within the district's service area that is not the subject of a specified determination by another public agency.

~~By authorizing the district to impose requirements on a local public agency in connection with the use of water for nonpotable uses, this bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 SECTION 1. Part 8.2 (commencing with Section 32600) is
2 added to Division 12 of the Water Code, to read:

3
4 PART 8.2. COACHELLA VALLEY WATER DISTRICT
5

6 32600. Unless the context otherwise requires, the definitions
7 set forth in this section govern the construction of this part.

8 (a) "Board" means the board of directors of the Coachella
9 Valley Water District.

10 (b) "District" means the Coachella Valley Water District.

11 32601. (a) The Legislature hereby finds and declares that the
12 use of potable domestic water for nonpotable uses, including, but
13 not limited to, cemeteries, parks, highway landscaped areas,
14 industrial uses, ~~and golf course irrigation~~ *golf courses, and*
15 *irrigation uses*, is a waste and an unreasonable use of the water
16 within the meaning of Section 2 of Article X of the California
17 Constitution, if nonpotable water, including recycled water, is
18 available under all of the following conditions as determined by
19 the board, after notice to any person or local public agency that
20 may be ordered to use nonpotable water or to cease using potable
21 water and a hearing held by the board if requested by the person
22 or local public agency:

23 (1) The source of nonpotable water is of adequate quality for
24 the proposed use and is available for that use. In determining
25 adequate quality, the board shall consider all relevant factors,
26 including, but not limited to, food and employee safety, and level
27 and types of specific constituents in the nonpotable water

1 affecting the use, on a user-by-user basis. In addition, the board
2 shall consider the effect of the use of nonpotable water in lieu of
3 potable water on the generation of hazardous waste and on the
4 quality of wastewater discharges subject to permit.

5 (2) The nonpotable water may be furnished for the proposed
6 use at a reasonable cost to the user. In determining reasonable
7 cost, the board shall consider all relevant factors, including, but
8 not limited to, the present and projected costs of supplying,
9 delivering, and treating potable domestic water for the proposed
10 use and the present and projected costs of supplying and
11 delivering nonpotable water for that use, and finds that the cost
12 of supplying the ~~treated~~ nonpotable water is comparable to, or
13 less than, the cost of supplying potable domestic water.

14 (3) The State Department of Health Services determines that
15 the use of nonpotable water from the proposed source will not be
16 detrimental to public health.

17 (4) The use of nonpotable water for the proposed use will not
18 adversely affect groundwater rights, will not degrade water
19 quality, and is determined not to be injurious to plant life, fish,
20 and wildlife.

21 (b) In making the determination described in subdivision (a),
22 the board shall consider the impact of the cost and quality of the
23 nonpotable water on each individual user.

24 (c) The board may require a person or public agency to furnish
25 information that the board determines to be relevant to making
26 the determinations described in subdivision (a).

27 32602. Notwithstanding any other provision of law, but
28 subject to Section 32604, no person or local public agency shall
29 use water within the district's service area from any source that is
30 suitable for potable domestic use for nonpotable uses, including
31 cemeteries, parks, highway landscaped areas, industrial ~~and golf~~
32 ~~course uses, golf courses, and~~ irrigation uses, if the board, in
33 accordance with Section 32601, determines that suitable
34 nonpotable water is available.

35 32603. (a) The use of nonpotable water in accordance with
36 this section shall not cause any loss or diminution of any existing
37 water right.

38 (b) The use of nonpotable water, including recycled water, in
39 accordance with this section is subject to all applicable state
40 regulation.

1 32604. This part only applies to a use of water within the
2 district's service area that is not the subject of a determination
3 pursuant to Article 7 (commencing with Section 13550) of
4 Chapter 7 of Division 7.

5 SEC. 2. The Legislature finds and declares that this act,
6 which is applicable only to the Coachella Valley Water District,
7 is necessary because of the unique and special water problems in
8 the area included in the district. It is, therefore, hereby declared
9 that a general law within the meaning of Section 16 of Article IV
10 of the California Constitution cannot be made applicable to the
11 district and the enactment of this special law is necessary for the
12 conservation, development, control, and use of that water for the
13 public good.

14 ~~SEC. 3. If the Commission on State Mandates determines that~~
15 ~~this act contains costs mandated by the state, reimbursement to~~
16 ~~local agencies and school districts for those costs shall be made~~
17 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
18 ~~4 of Title 2 of the Government Code.~~